

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Leroy Augustus Lane)	
)	C/A No.: 6:06-cr-0992-GRA
Petitioner,)	
)	
v.)	ORDER
)	(Written Opinion)
United States of America)	
)	
Respondent.)	
_____)	

This matter comes before the Court on the defendant's motion for post-trial discovery and motion for a trial transcript. Petitioner brings this claim *pro se*. This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

Defendant asserts he has a right under Rule 16 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3500 (the Jencks Act) to discover the contact information regarding one of the government's key trial witnesses. Rule 16 allows for certain pretrial discovery, but not post-trial discovery. Fed. R. Crim. P. 16. Further, the Jencks Act does not permit post-trial discovery. *United States v. Peterson*, 524 F.2d 167, 175 (4th Cir. 1975) ("[I]n order to invoke the benefits of the [Jencks] Act, [Defendant] was obligated at the very least to alert the trial judge [d]uring the course of the trial to his request by demanding the production and inspection of the

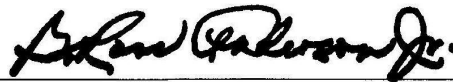
memorandum when its existence became known[.]"). Therefore, the motion for post-trial discovery is DENIED.

Defendant also claims that, as an indigent prisoner, he has a right to a complimentary copy of his trial transcript for appeal purposes. In order to succeed upon such a motion, an indigent prisoner must show a particularized need for such records. *Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 15152-53 (4th Cir. 1972). An indigent prisoner may not succeed on a motion for free copies of a trial transcript "merely to comb the record in the hope of discovering some flaw." *United States v. Glass*, 317 F.2d 200, 202 (4th Cir.1963). The defendant has not shown a particularized need; therefore, his motion for a free trial transcript is DENIED.

To preserve the integrity of the judicial system, both motions are DENIED.

IT IS THEREFORE ORDERED that the defendant's motion for discovery and motion for a free transcript are DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

August 13, 2007
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Defendant is hereby notified that he has the right to appeal this Order within ten (10) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.